| 1 | AARON D. FORD | | |
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| 2 | Attorney General MATTHEW S. JOHNSON (Bar No. 12412) | | |
| 3 | Senior Deputy Attorney General State of Nevada | | |
| 4 | Office of the Attorney General 100 North Carson Street | | |
| 5 | Carson City, NV 89701-4717 Phone: (775) 684-1134 | | |
| 6 | Fax: (775) 684-1108 msjohnson@ag.nv.gov | | |
| 7 | Attorneys for Respondents | | |
| 8 | UNITED STATES DISTRICT COURT | | |
| 9 | DISTRICT OF NEVADA | | |
| 10 | JAMES RAY WALKER, | Case No. 2:15-cv-01240-RFB-GWF | |
| 11 | Petitioner, | UNOPPOSED MOTION FOR | |
| 12 | vs. | ENLARGEMENT OF TIME (THIRD REQUEST SINCE FILING OF STATEMENT | |
| 13 | WILLIAM GITTERE, et al., | WITH RESPECT TO EXHAUSTION) | |
| 14 | Respondents. | DEATH PENALTY CASE | |
| 15 | Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, | | |
| 16 | hereby respectfully move this Court for an order granting a forty-five (45) day enlargement of time, to | | |
| 17 | and including June 23, 2023, in which to file and serve their response to petition. | | |
| 18 | This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure | | |
| 19 | and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and | | |
| 20 | other materials on file herein. | | |
| 21 | There have been two prior enlargements of Respondents' time to file said response since James | | |
| 22 | Ray Walker filed his Statement With Respect to Exhaustion and this motion is made in good faith and | | |
| 23 | not for the purposes of delay. | | |
| 24 | RESPECTFULLY SUBMITTED this 8th day of May, 2023. | | |
| 25 | AARON D. FORD Attorney General | | |
| 26 | By: /s/ Matthew S. Johnson MATTHEW S. JOHNSON (Bar. No. 12412) Senior Deputy Attorney General | | |
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| 8 | UNITED STATES DISTRICT COURT | | |
| 9 | DISTRICT OF NEVADA | | |
| 10 | JAMES RAY WALKER, | Case No. 2:15-cv-01240-RFB-GWF | |
| 11 | Petitioner, | DECLARATION OF COUNSEL | |
| 12 | VS. | | |
| 13 | WILLIAM GITTERE, et al., | | |
| 14 | Respondents. | | |
| 15 | I, Matthew S. Johnson, hereby state, based on personal knowledge and/or information and | | |
| 16 | belief, that the assertions of this declaration are true: | | |
| 17 | I am a Deputy Attorney General of | the Post-Conviction Division of the Nevada Attorney | |
| 18 | General's Office, and I make this declaration on behalf of Respondents' motion for enlargement o | | |
| 19 | time. | | |
| 20 | 2. My response in this matter is presently due on May 9, 2022. I respectfully request a 45 | | |
| 21 | day extension to complete my response. | | |
| 22 | 3. Due to the voluminous nature of t | the pleadings and exhibits in this death penalty case | |
| 23 | along with my other responsibilities and the turnover in our office that has required me to take or | | |
| 24 | additional cases with short deadlines, I need additional time to complete a response to the petition. Th | | |
| 25 | response has also been delayed because another team-member working on this response with me had | | |
| 26 | family emergency causing them to be out of the office for an extended period of time which delayed th | | |
| 27 | completion of the response in this case. | | |
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| 1 | 4. The Post-Conviction Division of the Nevada Attorney General's Office is presently | |
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| 2 | staffed by 9 full-time post-conviction attorneys, two attorneys who primarily work for other divisions | |
| 3 | and one legal researcher who is shared with other divisions. Among other duties, the attorneys in the | |
| 4 | Post-Conviction Division respond to all federal habeas cases (in the district court and appeal), all state | |
| 5 | habeas cases involving time-computation issues (in state district court and appeal), all extradition and | |
| 6 | rendition matters, all wrongful conviction compensation cases, and all appeals and post-conviction | |
| 7 | cases arising from Attorney General criminal prosecutions. | |
| 8 | 5. For the foregoing reasons, I respectfully request that this Court grant this request to | |
| 9 | extend the time for responding in this matter to June 23, 2023. | |
| 10 | 6. I contacted counsel for the Petitioner and they have no objection to this request. | |
| 11 | Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the | |
| 12 | foregoing is true and correct. | |
| 13 | By: /s/ Matthew S. Johnson | |

By: /s/ Matthew S. Johnson
MATTHEW S. JOHNSON (Bar. No. 12412)
Senior Deputy Attorney General

ORDER

IT IS SO ORDERED.

RICHARD F. BOULWARE, II UNITED STATES DISTRICT JUDGE

DATED this 9th day of May, 2023.

CERTIFICATE OF SERVICE I certify that I am an employee of the Office of the Attorney General and that on this 8th day of May, 2023, I served a copy of the foregoing UNOPPOSED MOTION FOR ENLARGEMENT OF TIME (THIRD REQUEST SINCE FILING OF STATEMENT WITH RESPECT TO **EXHAUSTION),** by U.S. District Court CM/ECF electronic filing to: **David Anthony** Martin Novillo T. Kenneth Lee Assistant Federal Public Defenders 411 East Bonneville Ave., Suite 250 Las Vegas, NV 89101 /s/ April Markiewicz